

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Robert C. Echols,

Petitioner,

v.

Charles Ryan, et al.,

Respondents.

No. CV-15-02025-PHX-ROS (ESW)

**REPORT AND
RECOMMENDATION**

**TO THE HONORABLE ROSLYN O. SILVER, UNITED STATES SENIOR
DISTRICT JUDGE:**

Pending before the Court is Robert C. Echols' ("Petitioner") Petition under 28 U.S.C. § 2254 for a Writ of Habeas Corpus (the "Petition") (Doc. 1). Respondents have filed a Limited Answer (Doc. 21), and Petitioner has filed a Reply (Doc. 28). The matter is deemed ripe for consideration.

Petitioner raises seventeen grounds for habeas relief in the Petition. The undersigned finds that this habeas proceeding is time-barred under the one-year statute of limitations set forth in the Anti-Terrorism and Effective Death Penalty Act of 1996, 110 Stat. 1214.¹ It is therefore recommended that the Petition be denied and dismissed with prejudice. It is further recommended that Petitioner's "Motion to Toll the One Year

¹ The one-year statute of limitations for a state prisoner to file a federal habeas petition is codified at 28 U.S.C. § 2244(d).

1 Time Period for the Entire Time that his State Habeas Corpus is Pending in the Arizona
2 Courts” (Doc. 14) be denied.

3 **I. BACKGROUND**

4 **A. Convictions and Sentences**

5 In 2008, a jury sitting in the Superior Court of Arizona for Pinal County found
6 Petitioner guilty on (i) two counts of Drive By Shooting at a Residence, class two
7 dangerous felonies; (ii) five counts of Aggravated Assault with a Deadly Weapon or
8 Dangerous Instrument, class three dangerous felonies; and (iii) five counts of Aggravated
9 Assault with a Deadly Weapon or Dangerous Instrument, class two dangerous crimes
10 against children. (Bates Nos. 14, 26).² On August 14, 2008, the trial court sentenced
11 Petitioner to a total of sixty-eight years in prison. (Bates No. 26). Plaintiff appealed the
12 sentences for four of the aggravated assault counts to the Arizona Court of Appeals.
13 (Bates Nos. 11-34).

14 In its July 8, 2009 decision, the Arizona Court of Appeals affirmed Petitioner’s
15 convictions and sentences. (Bates Nos. 2-9). Petitioner did not petition the Arizona
16 Supreme Court for further review. On September 30, 2009, the Arizona Court of
17 Appeals issued its mandate. (Bates No. 64).

18 **B. Post-Conviction Relief**

19 On March 17, 2010, Petitioner filed a Notice of Post-Conviction Relief (“PCR”).
20 (Bates Nos. 68-70). The trial court appointed Petitioner counsel, who could not find a
21 colorable claim for relief. (Bates Nos. 72-81). Petitioner filed a pro se PCR Petition on
22 December 16, 2010. (Bates Nos. 83-106). On June 27, 2011, the trial court denied the
23 PCR Petition. (Bates Nos. 118-21, 123-24).

24 On February 1, 2012, Petitioner filed a Petition for Review in the Arizona Court of
25 Appeals seeking review of the trial court’s denial of the PCR Petition. (Bates Nos. 126-
26 41). On April 3, 2012, the Arizona Court of Appeals granted review, but denied relief.

27
28 ² Citations to the state court record submitted with Respondents’ Limited Answer
(Doc. 21) refer to the Bates-stamp numbers affixed to the lower right corner of each page
of the record.

(Bates Nos. 143-48). On July 30, 2012, the Arizona Court of Appeals issued its mandate, which stated that Petitioner did not file a motion for reconsideration or petition for review and that the time to do so had expired. (Bates No. 150).

On June 5, 2014, Petitioner filed a Petition for Review in the Arizona Supreme Court seeking review of the Arizona Court of Appeals' April 2012 decision. (Bates Nos. 153-61). On October 20, 2014, the Arizona Supreme Court denied review. (Bates No. 163).

On October 8, 2015, Petitioner initiated this federal habeas proceeding. The Court ordered Respondents to answer the Petition. (Doc. 7). On February 4, 2016, Petitioner filed a "Motion to Toll the One Year Time Period for the Entire Time that his State Habeas Corpus is Pending in the Arizona Courts" (Doc. 14). The Court ordered Respondents to respond to the Motion. (Doc. 15). Respondents' Limited Answer (Doc. 21) contains their response to Petitioner's "Motion to Toll . . ." Petitioner has filed a Reply (Doc. 28).

II. LEGAL STANDARDS

Under AEDPA, a state prisoner must file his or her federal habeas petition within **one year** of the latest of:

1. The date on which the judgment became final by the conclusion of direct review or the expiration of the time for seeking such review;
2. The date on which the impediment to filing an application created by State action in violation of the Constitution or laws of the United States is removed, if the petitioner was prevented from filing by the State action;
3. The date on which the right asserted was initially recognized by the United States Supreme Court, if that right was newly recognized by the Court and made retroactively applicable to cases on collateral review; or
4. The date on which the factual predicate of the claim presented could have been discovered through the exercise of due diligence.

28 U.S.C. § 2244(d)(1); *see also Hemmerle v. Schriro*, 495 F.3d 1069, 1073-74 (9th Cir. 2007). The one-year limitations period, however, does not necessarily run for 365 consecutive days as it is subject to tolling. Statutory tolling is available under AEDPA, which provides that the limitations period is tolled during the “time during which a properly filed application for State post-conviction relief or other collateral review with respect to the pertinent judgment or claim is pending.” 28 U.S.C. § 2244(d)(2) (emphasis added); *Roy v. Lampert*, 465 F.3d 964, 968 (9th Cir. 2006) (limitations period is tolled while the state prisoner is exhausting his or her claims in state court and state post-conviction remedies are pending) (citation omitted).

AEDPA’s statute of limitations is also subject to equitable tolling. *Holland v. Florida*, 560 U.S. 631, 645 (2010) (“Now, like all 11 Courts of Appeals that have considered the question, we hold that § 2244(d) is subject to equitable tolling in appropriate cases.”). Yet equitable tolling is applicable only “if extraordinary circumstances beyond a prisoner’s control make it impossible to file a petition on time.” *Roy*, 465 F.3d at 969 (citations omitted); *Gibbs v. Legrand*, 767 F.3d 879, 888 n.8 (9th Cir. 2014). A petitioner must show (i) that he or she has been pursuing his rights diligently and (ii) some extraordinary circumstances stood in his or her way. *Pace v. DiGuglielmo*, 544 U.S. 408, 418 (2005); *see also Waldron-Ramsey v. Pacholke*, 556 F.3d 1008, 1011 (9th Cir. 2009); *Roy*, 465 F.3d at 969.

III. ANALYSIS

In this case, the relevant triggering event for purposes of AEDPA’s statute of limitations is the date on which Petitioner’s judgment became “final by the conclusion of direct review or the expiration of the time for seeking such review.” 28 U.S.C. § 2244(d)(1)(A).

The Arizona Court of Appeals affirmed Petitioner’s convictions and sentences on July 8, 2009. (Bates Nos. 2-9). Petitioner had thirty days from July 8, 2009 (until August 7, 2009) to petition the Arizona Supreme Court for review of the decision. Ariz. R. Crim. P. 31.19(a). Petitioner did not seek such review. Accordingly, Petitioner’s convictions

and sentences became final on August 7, 2009,³ and the one-year statute of limitations began running on August 8, 2009. *Summers*, 481 F.3d at 717; *see Gonzalez v. Thaler*, 132 S.Ct. 641, 654 (2012) (AEDPA’s statute of limitations commences upon the expiration of the time for seeking review of petitioner’s judgment in a state’s highest court); *Patterson v. Stewart*, 251 F.3d 1243, 1246 (9th Cir. 2001) (applying the “anniversary method” of Rule 6(a) of the Federal Rules of Civil Procedure to calculate the expiration date of AEDPA’s one-year statute of limitations). Consequently, unless statutory or equitable tolling applies, Petitioner’s one-year deadline to file a habeas petition expired on August 9, 2010,⁴ rendering the Petition filed on October 8, 2015 untimely.

1. Statutory Tolling

Statutory tolling does not apply to collateral review petitions that are not “properly filed.” *Pace v. DiGuiglielmo*, 544 U.S. 408 (2005); 28 U.S.C. § 2244(d)(2). A collateral review petition is “properly filed” when its delivery and acceptance are in compliance with state rules governing filings. *Artuz v. Bennett*, 531 U.S. 4, 8 (2000); *Orpiada v. McDaniel*, 750 F.3d 1086, 1089 (9th Cir. 2014) (court looked to Nevada state filing requirements in determining whether habeas petitioner’s PCR petition was a “properly filed” application that is eligible for tolling). This includes compliance with filing deadlines. Hence, an untimely state collateral review petition is not “properly filed.” *Pace*, 544 U.S. at 417 (holding that “time limits, *no matter their form*, are ‘filing’ conditions,” and that a state PCR petition is therefore not “properly filed” if it was rejected by the state court as untimely).

If the collateral review petition was “properly filed,” then the Court must determine the dates it was “pending.” In Arizona, a PCR petition becomes “pending” as

³ The Arizona Court of Appeals’ delay in issuing its mandate (Bates No. 64) did not delay the finality of the convictions. *See Hemmerle v. Schriro*, 495 F.3d 1069 (2007).

⁴ August 7, 2010 was a Saturday. Pursuant to Rule 12 of the Rules Governing Section 2254 Cases and Fed. R. Civ. P. 6(a)(1)(C), the deadline to file a federal habeas petition is extended to Monday, August 9, 2010 as that is the next day that is not a Saturday, Sunday, or legal holiday.

1 soon as the notice of PCR is filed. *Isley v. Ariz. Dep't of Corrections*, 383 F.3d 1054,
2 1055-56 (9th Cir. 2004) (“The language and structure of the Arizona postconviction rules
3 demonstrate that the proceedings begin with the filing of the Notice.”). It remains
4 “pending” until it “has achieved final resolution through the State’s post-conviction
5 procedures.” *Carey v. Saffold*, 536 U.S. 214, 220 (2002). This includes “[t]he time
6 between (1) a lower state court’s adverse determination, and (2) the prisoner’s filing of a
7 notice of appeal, *provided that* the filing of the notice of appeal is timely under state
8 law.” *Evans*, 546 U.S. at 191.

9 Here, the one-year statute of limitations began running on August 8, 2009. The
10 limitations “clock” continued to run uninterrupted until March 17, 2010—the date
11 Petitioner filed his PCR Notice. (Bates Nos. 68-70); *see Isley*, 383 F.3d at 1055-56
12 (stating that in Arizona, a state post-conviction proceeding is commenced when the
13 petitioner files the notice in accordance with Ariz. R. Crim. P. 32.4(a)); *see Nino v.*
14 *Galaza*, 183 F.3d 1003, 1006 (9th Cir. 1999) (“AEDPA’s statute of limitations is not
15 tolled from the time a final decision is issued on direct state appeal and the time the
16 first collateral challenge is filed because there is no case ‘pending’ during that
17 interval.”). The length of time between August 8, 2009 and March 17, 2010 is 221 days.
18 After subtracting 221 days from the one-year (365 day) limitations period, 144 days
19 remained on the limitations “clock” in which to file a federal habeas petition.

20 On September 29, 2011, the trial court denied the PCR Petition. (Bates Nos. 118-
21 21, 123-24). The trial court extended the deadline for filing a Petition for Review in the
22 Arizona Court of Appeals to February 10, 2012. (Attachment 1). On February 1, 2012,
23 Petitioner filed the Petition for Review. (Bates Nos. 126-41). On April 3, 2012, the
24 Arizona Court of Appeals granted review, but denied relief. (Bates Nos. 143-48). The
25 deadline for petitioning the Arizona Supreme Court for review of the Arizona Court of
26 Appeals’ decision was May 3, 2012. Ariz. R. Crim. P. 31.19(a). Even though Petitioner
27 did not file a Petition for Review by the May 3, 2012 deadline, Respondents state that
28 statutory tolling applies to the thirty-day period in which Petitioner could have sought

1 further review. Because it does not affect the outcome, the undersigned will use May 4,
 2 2012 as the date AEDPA's limitations period recommenced.⁵ As there were 144 days
 3 remaining on the limitations "clock," Petitioner had until September 24, 2012 to file his
 4 federal habeas petition.

5 Once the statute of limitations has run, subsequent collateral review petitions do
 6 not "restart" the clock. *Jiminez v. Rice*, 276 F.3d 478, 482 (9th Cir. 2001); *Ferguson v.*
 7 *Palmateer*, 321 F.3d 820, 823 (9th Cir. 2003). On June 5, 2014, Petitioner filed a
 8 Petition for Review in the Arizona Supreme Court seeking review of the Arizona Court
 9 of Appeals' April 2012 decision. (Bates Nos. 153-61). Because the limitations period
 10 had expired in September 2012, the Petition for Review had no statutory tolling effect.
 11 (Bates No. 163).

12 **2. Equitable Tolling Does Not Apply**

13 The standard for equitable tolling of the one-year habeas limitations period is a
 14 very high bar, and is reserved for rare cases. *Yow Ming Yeh v. Martel*, 751 F.3d 1075
 15 (9th Cir. 2014); *Miranda v. Castro*, 292 F.3d 1063, 1066 (9th Cir. 2002) ("Indeed, 'the
 16 threshold necessary to trigger equitable tolling [under AEDPA] is very high, lest the

17
 18 ⁵ A number of circuits have held that statutory tolling applies during the period of
 19 time in which a habeas petitioner could have sought further review of a state court's
 20 denial of post-conviction relief. Postconviction Remedies § 25:23 n. 5 (June 2015).
 21 However, these holdings are arguably inconsistent with *Carey v. Saffold*, 536 U.S. 214
 22 (2002), *Pace v. DiGuglielmo*, 544 U.S. 408 (2005), and *Evans v. Chavis*, 546 U.S. 189
 23 (2006). Those "decisions indicate that if a state petition is untimely, none of the time
 24 before (as well as during) the state court's consideration of the post-conviction review
 25 petition is statutorily tolled." Postconviction Remedies § 25:23 n. 5 (June 2015).

26 It is not clear under Ninth Circuit case law whether statutory tolling applies to the
 27 period of time in which a defendant may seek further review of a PCR petition if the
 28 review is not actually sought. See *Gold v. Hennessy*, CR 04-1252-PHX-JAT, at *4 (D.
 Ariz. 2006) ("[A]n appeal that is never filed cannot be considered timely; Petitioner
 cannot reap the benefit of AEDPA's tolling mechanism without actually filing her
 petition for review of the PCR denial."); *Bonner v. Carey*, 425 F.3d 1145, 1149 (9th Cir.
 2005), as amended 439 F.3d 993 (9th Cir. 2003) ("Under Pace, if a state court denies a
 petition as untimely, none of the time before or during the court's consideration of that
 petition is statutorily tolled."); *Gildon v. Bowen*, 384 F.3d 883, 886 (7th Cir. 2004)
 (rejecting a habeas petitioner's argument that statutory tolling applied during the period
 in time in which he could have filed a petition for certiorari review in the U.S. Supreme
 Court regarding state court's denial of post-conviction relief; stating that "[b]ecause
 [petitioner] never filed a petition for certiorari review in the Supreme Court, his potential
 certiorari petition was never 'properly filed.'") (quoting *Gutierrez v. Schomig*, 233 F.3d
 490, 492 (7th Cir. 2000)).

1 exceptions swallow the rule.”) (quoting *United States v. Marcello*, 212 F.3d 1005, 1010
2 (7th Cir. 2000). It is a petitioner’s burden to establish that equitable tolling is warranted.
3 *Pace*, 544 U.S. at 418; *Rasberry v. Garcia*, 448 F.3d 1150, 1153 (9th Cir. 2006) (“Our
4 precedent permits equitable tolling of the one-year statute of limitations on habeas
5 petitions, but the petitioner bears the burden of showing that equitable tolling is
6 appropriate.”).

7 As previously discussed, a petitioner seeking equitable tolling must establish that:
8 (i) he or she has been pursuing his or her rights diligently and (ii) that some extraordinary
9 circumstances stood in his or her way. A petitioner must also show that the
10 “extraordinary circumstances” were the “but-for and proximate cause of his [or her]
11 untimeliness.” *Allen v. Lewis*, 255 F.3d 798, 800 (9th Cir. 2001) (per curiam); *see also*
12 *Ramirez v. Yates*, 571 F.3d 993, 997 (9th Cir. 2009).

13 In his Reply (Doc. 28 at 3-6), Petitioner asserts that AEDPA’s limitations period
14 was statutorily tolled through October 20, 2014—the date the Arizona Supreme Court
15 denied his Petition for Review. The preceding section explains why Petitioner’s assertion
16 is incorrect. A petitioner’s miscalculation of when the limitations period expired does not
17 constitute an “extraordinary circumstance” warranting equitable tolling. *See Rasberry v.*
18 *Garcia*, 448 F.3d 1150, 1154 (9th Cir. 2006) (“[A] *pro se* petitioner’s lack of legal
19 sophistication is not, by itself, an extraordinary circumstance warranting equitable
20 tolling.”); *Johnson v. United States*, 544 U.S. 295, 311 (2005) (“[W]e have never
21 accepted *pro se* representation alone or procedural ignorance as an excuse for prolonged
22 inattention when a statute’s clear policy calls for promptness.”); *see also Alexander v.*
23 *Schiro*, 213 F. App’x 972, 976 (9th Cir. 2009) (“Ultimately [the petitioner] made an
24 incorrect interpretation of the statute and miscalculated the limitations period. This does
25 not amount to an ‘extraordinary circumstance’ warranting equitable tolling.”). As
26 Petitioner has not met his burden of showing that extraordinary circumstances made it
27 impossible for him to timely file his federal petition, equitable tolling is unavailable.
28

1 **3. The Statute of Limitations Expired on September 24, 2012,**
 2 **Meaning Petitioner Untimely Filed the Federal Habeas Action**

3 To summarize the preceding sections, AEDPA's statute of limitations commenced
 4 on August 8, 2009. The limitations period was statutorily tolled while Petitioner's PCR
 5 Petition was pending in state court (from March 17, 2010 through May 4, 2012).
 6 Petitioner has not shown that he is entitled to equitable tolling. Applying statutory
 7 tolling, Petitioner had until September 24, 2012 to seek federal habeas review.
 8 Accordingly, the Petition (Doc. 1) filed on October 8, 2015 is untimely.

9 **B. The Petition's Untimeliness is Not Excused by the Actual Innocence**
 10 **Gateway/Miscarriage of Justice Exception**

11 In *McQuiggin v. Perkins*, 133 S.Ct. 1924, 1931-34 (2013), the Supreme Court
 12 announced an equitable exception to AEDPA's statute of limitations. The Court held that
 13 the "actual innocence gateway" to federal habeas review that was applied to procedural
 14 bars in *Schlup v. Delo*, 513 U.S. 298, 327 (1995) and *House v. Bell*, 547 U.S. 518 (2006)
 15 extends to petitions that are time-barred under AEDPA. The "actual innocence gateway"
 16 is also referred to as the "Schlup gateway" or the "miscarriage of justice exception."

17 Under *Schlup*, a petitioner seeking federal habeas review under the miscarriage of
 18 justice exception must establish his or her factual innocence of the crime and not mere
 19 legal insufficiency. See *Bousley v. U.S.*, 523 U.S. 614, 623 (1998); *Jaramillo v. Stewart*,
 20 340 F.3d 877, 882-83 (9th Cir. 2003). "To be credible, such a claim requires petitioner to
 21 support his allegations of constitutional error with new reliable evidence—whether it be
 22 exculpatory scientific evidence, trustworthy eyewitness accounts, or critical physical
 23 evidence." *Schlup*, 513 U.S. at 324; see also *Lee v. Lampert*, 653 F.3d 929, 945 (9th
 24 Cir.2011); *McQuiggin*, 133 S.Ct. at 1927 (explaining the significance of an
 25 "[u]nexplained delay in presenting new evidence"). A petitioner "must show that it is
 26 more likely than not that no reasonable juror would have convicted him in the light of the
 27 new evidence." *McQuiggin*, 133 S.Ct. at 1935 (quoting *Schlup*, 513 U.S. at 327.
 28 Because of "the rarity of such evidence, in virtually every case, the allegation of actual
 innocence has been summarily rejected." *Shumway v. Payne*, 223 F.3d 982, 990 (9th Cir.

2000) (citing *Calderon v. Thomas*, 523 U.S. 538, 559 (1998)).

In his Reply (Doc. 28 at 9), Petitioner states that “the state habeas corpus that Petitioner submitted in August of 2015 . . . reurged the ‘sufficiency of evidence’ issues, as well as, an actual innocence claim.”⁶ To the extent Petitioner argues that the miscarriage of justice exception should be applied if the Court finds that the Petition is time-barred, Petitioner does not proffer any new evidence to support actual innocence. Petitioner’s conclusory statement is insufficient to establish a *Schlup* gateway claim. *See Larsen v. Soto*, 742 F.3d 1083, 1096 (9th Cir. 2013) (“we have denied access to the *Schlup* gateway where a petitioner’s evidence of innocence was merely cumulative or speculative or was insufficient to overcome otherwise convincing proof of guilt”). Accordingly, the undersigned recommends that the Court find that Petitioner cannot pass through the *Schlup* gateway to excuse the untimeliness of this proceeding.

C. Petitioner’s “Motion to Toll the One Year Time Period for the Entire Time that his State Habeas Corpus is Pending in the Arizona Courts” (Doc. 14)

On February 4, 2016, Petitioner filed a Motion stating that:

In August 2015, Petitioner realized in his pro-se capacity he could still file a state habeas corpus pursuant to Arizona Rules of Court. At that time Petitioner did file a state habeas corpus to exhaust all state remedies. Petitioner, therefore, asks this court to toll the one year time limitation under 28 U.S.C. § 2244(d)(2).

(Doc. 14). In his Reply (Doc. 28 at 9), Petitioner clarifies that he is requesting that the Petition “be stayed, and the 1-year statute of limitations be tolled in consideration of the Petitioners [sic] ‘state habeas’ being at issue presently.” In light of the undersigned’s conclusion that the Petition (Doc. 1) is time-barred, it is recommended that the Court deny the Motion (Doc. 14) as moot.

⁶ The trial court’s docket does not reflect that Petitioner filed any documents in the trial court in August 2015. (Attachment 2). The undersigned observes that Petitioner did not indicate in the October 2015 Petition (Doc. 1 at 3-5) that he filed a “state habeas corpus” in August 2015. Even if Petitioner did file a “state habeas corpus” in August 2015, the Petition would remain time-barred as AEDPA’s limitations period expired in 2012. *See Jiminez*, 276 F.3d at 482; *Ferguson*, 321 F.3d at 823.

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IV. CONCLUSION

Based on the foregoing reasons, the undersigned recommends that the Court deny and dismiss with prejudice the Petition (Doc. 1) on the basis that it is time-barred.

Accordingly,

IT IS RECOMMENDED that the Petition (Doc. 1) be **DENIED** and **DISMISSED WITH PREJUDICE**.

IT IS FURTHER RECOMMENDED that Petitioner's "Motion to Toll the One Year Time Period for the Entire Time that his State Habeas Corpus is Pending in the Arizona Courts" (Doc. 14) be denied as moot.

IT IS FURTHER RECOMMENDED that a certificate of appealability and leave to proceed in forma pauperis on appeal be denied because dismissal of the Amended Petition is justified by a plain procedural bar.

This recommendation is not an order that is immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment. The parties shall have fourteen days from the date of service of a copy of this recommendation within which to file specific written objections with the Court. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 6, 72. Thereafter, the parties have fourteen days within which to file a response to the objections. Failure to file timely objections to the Magistrate Judge's Report and Recommendation may result in the acceptance of the Report and Recommendation by the District Court without further review. *See United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). Failure to file timely objections to any factual determinations of the Magistrate Judge may be considered a waiver of a party's right to appellate review of the findings of fact in an order or judgment entered pursuant to the Magistrate Judge's recommendation. *See* Fed. R. Civ. P. 72.

Dated this 10th day of June, 2016.



Eileen S. Willett
United States Magistrate Judge

ATTACHMENT 1

Filed on 1/6/2012 2:39:35 PM

IN THE SUPERIOR COURT

PINAL COUNTY, STATE OF ARIZONA

Date: 01/06/2012

Judge: JDG PRO TEM ROBERT C BROWN.

By Judicial Administrative Assistant: Lucy Luedke

THE STATE OF ARIZONA,)	<u>S1100CR200701774</u>
)	
Plaintiff,)	NOTICE/ORDER
)	
vs.)	
)	
ROBERT ECHOLS,)	
)	
Defendant(s).)	

The ordered transcript having been filed;

IT IS ORDERED extending the time for the filing of a Petition for Review to February 10, 2012.

The Petitioner's current address is Robert Echols, ADC #233445, ASPC Lewis, Stiner Unit, P.O. Box 3100, Buckeye, AZ 85326.

Mailed/distributed copy: 1/6/2012

**ROBERT ECHOLS, ADC #233445
ASPC LEWIS, STINER UNIT
PO BOX 3100
BUCKEYE AZ 85326**

LYNN HAMILTON

**Office Distribution:
COUNTY ATTORNEY/K PIERCE
VICTIMS ASSISTANCE**

Filed on 1/6/2012 2:39:35 PM

JUDGE/ BROWN

ATTACHMENT 2

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Case Information

Case Number: **S-1100-CR-200701774**[search for case minutes](#)Title: **ST OF AZ VS ECHOLS**Category: **Criminal**Court: [Pinal County Superior](#)Filing Date: **10/25/2007**Judge: **N/A**Disposition Date: **8/14/2008****PARKER EVAN BORNMANN** ATTORNEY - Y ***ROBERT C ECHOLS** DEFENDANT - D 1

Date of Birth: 11/1987

Citation	Count	Description	Disp. Date	Disposition
	1	DISCHARGE FIREARM AT A STRUCTURE	8/14/2008	*
	8	DISCHARGE FIREARM AT A STRUCTURE	8/14/2008	*
	9	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	8/14/2008	*
	10	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	8/14/2008	*
NONE	2	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	8/14/2008	*
NONE	3	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	8/14/2008	*
NONE	4	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	8/14/2008	*
NONE	5	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	8/14/2008	*
NONE	6	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	8/14/2008	*
NONE	7	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	8/14/2008	*
NONE	11	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	8/14/2008	*
NONE	12	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	8/14/2008	*
NONE	13	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	7/1/2008	*
NONE	14	AGGRAVATED ASLT-DEADLY WEAPON/DANG INST	7/1/2008	*

THOMAS M LARSON ATTORNEY - Y ***KATHRYN PIERCE** ATTORNEY - Y ***STATE OF ARIZONA** PLAINTIFF - P 1

Case Activity

Date	Description	Party
11/8/2013	MOTION: Motion	D 1
11/8/2013	ORDER: Releasing Exhibits	D 1
8/1/2012	MANDATE: Other	D 1
6/19/2012	Scheduling event generated for SCHEDULED CASE @ 6/19/2012 3:	D 1
6/19/2012	Scheduling event generated for SCHEDULED CASE @ 6/19/2012 3:	Y *
6/19/2012	Scheduling event generated for SCHEDULED CASE @ 6/19/2012 3:	P 1

6/19/2012	MinuteEntry event for MINUTE ENTRY: MINUTE ENTRY (GENERIC)	P 1
6/19/2012	MinuteEntry event for MINUTE ENTRY: MINUTE ENTRY (GENERIC)	D 1
5/7/2012	REQUEST: Request	D 1
2/13/2012	RECORD: Forwarded to Court of Appeals	D 1
2/13/2012	Receipt: Receipt for Appeal Forwarded	D 1
2/13/2012	Receipt: Receipt for Appeal Forwarded	D 1
2/9/2012	APPEALS: INCOMING DOCUMENTS - COURT OF APPEALS	D 1
2/7/2012	NOTICE: Filing Petition	D 1
1/9/2012	MISCELLANEOUS: Miscellaneous	D 1
1/6/2012	MinuteEntry event for MINUTE ENTRY: MINUTE ENTRY (GENERIC)	D 1
1/6/2012	MinuteEntry event for MINUTE ENTRY: MINUTE ENTRY (GENERIC)	P 1
1/6/2012	TRANSCRIPTS: TRANSCRIPT	D 1
12/13/2011	NOTICE: Change of Address	D 1
12/2/2011	MinuteEntry event for MINUTE ENTRY: MINUTE ENTRY (GENERIC)	P 1
12/2/2011	MinuteEntry event for MINUTE ENTRY: MINUTE ENTRY (GENERIC)	D 1
11/25/2011	NOTICE: Notice	D 1
11/25/2011	NOTICE: Filing Miscellaneous Document	D 1
11/15/2011	ORDER: Court Order/Ruling	D 1
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